Court Minutes

July 20, 2009

At 9:30 a.m., the court met in the Library and Courts Building to begin its court calendar session. Present were Scotland, Presiding Justice; Sims, Associate Justice; Cantil-Sakauye, Associate Justice; and Harper, bailiff.

C059305 THE PEOPLE v. RONALD DEAN GLASER

Cause called. Joan Isserlis, court appointed counsel, argued for appellant. Melissa J. Lipon, Deputy Attorney General, argued for respondent. Cause submitted.

At 9:53 a.m., the court recessed. At 9:55 a.m., the court reconvened with Scotland, Presiding Justice; Raye, Associate Justice; and Robie, Associate Justice.

C061042 BAUR v. WORKERS' COMPENSATION APPEALS BOARD and CITY OF STOCKTON

Cause called. David P. Mastagni argued for appellant. Matthew Evan Brueckner argued for respondent. Cause submitted.

At 10:38 a.m., the court recessed. At 10:42 a.m., the court reconvened with Scotland, Presiding Justice; Robie, Associate Justice; and Cantil-Sakauye, Associate Justice.

C057863 LABABEDY v. GISLA

Cause called. Jeff Tochterman argued for appellant. Donna W. Low argued for respondent. Cause submitted.

At 11:14 a.m., the court recessed until 9:30 a.m., Tuesday, July 21, 2009.

C058585 THE PEOPLE v.

MICHAEL BLAIR DAVIS

(Not For Publication)

The judgment is affirmed.

RAYE, J.

We Concur: Blease, Acting P.J.

Nicholson, J.

C058671 THE PEOPLE v.

(Not For Publication)

TROY EUGENE KING

The judgment (order denying petition for writ of error *coram nobis*) is affirmed.

CANTIL-SAKAUYE, J.

We Concur: Sims, Acting P.J.

Nicholson, J.

Court Minutes

July 20, 2009, Continued

C060353 THE PEOPLE v. (Not For Publication)

DERWIN LAMONT HILLMON

The judgment is affirmed.

RAYE, J.

We Concur: Scotland, P.J.

Hull. J.

C060563 THE PEOPLE v. (Not For Publication)

ERIC JEFFREY BURLEIGH

The judgment is affirmed.

SCOTLAND, P.J.

We Concur: Hull, J.

Robie, J.

C060942 THE PEOPLE v. (Not For Publication)

MICHAEL JACOB RICHARD SCHLOSSER

The judgment is affirmed.

HULL, J.

We Concur: Scotland, P.J.

Robie, J.

C053893 RIDGEWOOD ASSOCIATES, INC. et al. (Not For Publication)

v. EISEMAN et al.

The judgment is affirmed. Costs on appeal are awarded to respondents.

(Cal. Rules of Court, rule 8.278 (a).)

CANTIL-SAKAUYE, J.

We Concur: Sims, Acting P.J.

Nicholson, J.

C058472 PLACER COUNTY SHERIFF v. (Not For Publication)

FRIENDS OF AUBURN/TAHOE VISTA-PLACER COUNTY ANIMAL

SHELTER, INC.

The judgment is affirmed. Placer shall recover costs on appeal.

RAYE, J.

We Concur: Scotland, P.J.

Sims, J.

C057945 THE PEOPLE v. TORIBIO VILLA DANIELS

BY THE COURT:

Appellant's petition for rehearing is denied.

ROBIE, Acting P.J.

Court Minutes

July 21, 2009

At 9:30 a.m., the court met in the Library and Courts Building to begin its court calendar session. Present were Scotland, Presiding Justice; Nicholson, Associate Justice; Cantil-Sakauye, Associate Justice; and Horner, bailiff.

C059227 TRACY FIRST v. CITY OF TRACY; WINCO FOODS

Cause called. Steven A. Herum argued and Natalie M. Weber appeared only for appellant. Sarah E. Owsowitz argued for real party in interest City of Tracy and appellant. Andrew B. Sabey argued for real party in interest Winco Foods and appellant. Rick Jarvis appeared only for respondent. Cause submitted.

At 10:10 a.m., the court recessed. At 10:11 a.m., the court reconvened with Blease, Associate Justice; Sims, Associate Justice; and Nicholson, Associate Justice.

C055923 THE PEOPLE v. REYNALDO SANTOS DUNGO

Cause called. Ann Hopkins, court appointed counsel, argued for appellant. Daniel B. Bernstein, Deputy Attorney General, argued for respondent. Cause submitted.

At 10:49 a.m., the court recessed. At 2:00 p.m., the court reconvened with Blease, Associate Justice; Sims, Associate Justice; and Butz, Associate Justice.

C059702 THE PEOPLE v. LAURENCE EUGENE WILLIAMS

Cause called. Allen G. Weinberg, court appointed counsel, argued for appellant. Joseph M. Cook, Deputy Attorney General, argued for respondent. Cause submitted.

At 2:29 p.m., the court recessed. At 2:31 p.m., the court reconvened with Blease, Associate Justice; Robie, Associate Justice; and Butz, Associate Justice.

C058200 THE PEOPLE v. MICHEALLE MARIE KING

Cause called. Erin Radekin argued for appellant. Galen N. Farris, Deputy Attorney General, argued for respondent. Cause submitted.

At 2:55 p.m., the court recessed. At 2:57 p.m., the court reconvened with Raye, Associate Justice; Hull, Associate Justice; and Robie, Associate Justice.

Court Minutes

July 21, 2009, Continued

C058893 UNIVERSITY PARTNERS, LLC, et al. v. BRONSON etc., et al.

Cause called. Thomas Westley argued in pro. per. for appellant. Douglas E. Kirkman argued for appellant University Partners, LLC, et al. Doreen Altman argued for respondents. Cause submitted.

At 3:30 p.m., the court recessed. At 3:32 p.m., the court reconvened with Scotland, Presiding Justice; Blease, Associate Justice; and Robie, Associate Justice.

C060052 McGuire v. California Department of Corrections and REHABILITATION, BOARD OF PAROLE HEARINGS

Cause called. Krista Pollard, Deputy Attorney, argued for appellant. John Wilder Lee, court appointed counsel, argued for respondent. Cause submitted.

At 4:22 p.m., the court recessed until 9:30 a.m., Wednesday, July 22, 2009.

C058380 THE PEOPLE v. **JACK LOYD MECUM**

(Not For Publication)

The trial court is directed to prepare an amended abstract of judgment, deleting reference to the 1987 robbery prior prison term enhancement, thus reflecting that one-year terms were imposed for only two prior prison term enhancements, and to forward a certified copy of the amended abstract to the Department of Correction and Rehabilitation. As modified, the judgment is affirmed.

CANTIL-SAKAUYE, J.

We Concur: Nicholson, Acting P. J.

Rave. J.

C059068 THE PEOPLE v.

(Not For Publication)

BRANDON LEE MONTGOMERY

The judgment is affirmed.

HULL, J.

We Concur: Blease, Acting P.J.

Butz. J.

C059617 THE PEOPLE v.

(Not For Publication)

CHRISTOPHER WILLIAMS

The judgment is affirmed.

NICHOLSON, J.

Blease, Acting P.J. We Concur:

Butz. J.

Court Minutes

July 21, 2009, Continued

C059728 THE PEOPLE v. KENNETH GREEN (Not For Publication)

The trial court judgment is affirmed.

SIMS, Acting P.J.

We Concur: Nicholson, J.

Cantil-Sakauye, J.

C060026 THE PEOPLE v. (Not For Publication)

JERRY LEE ENGLISH

The judgment is affirmed.

BLEASE, Acting P.J.

We Concur: Nicholson, J.

Cantil-Sakauye, J.

C060450 THE PEOPLE v. (Not For Publication)

PETER LUCIANNO CURBELLO

The judgment is affirmed.

NICHOLSON, J.

We Concur: Blease, Acting P.J.

Cantil-Sakauye, J.

C057603 Conservatorship of Person and Estate of (Not For Publication)

DOUGLAS N.; LINDA H., as Conservator, etc. v. ZILAFF, as Public Guardian, etc.;

DOUGLAS N.

The order is affirmed.

SIMS, J.

We Concur: Blease, Acting P.J.

Nicholson, J.

C058274 In re H.G.; SACRAMENTO COUNTY (Not For Publication)

DEPARTMENT OF HEALTH AND HUMAN SERVICES v. S.G. et al.

The orders of the juvenile court are affirmed.

NICHOLSON, J.

We Concur: Scotland, P.J.

Sims, J.

Court Minutes

July 21, 2009, Continued

C060028 In re A.A. at al.; SACRAMENTO COUNTY DEPARTMENT OF HEALTH AND HUMAN SERVICES v. ANGELA A.

(Not For Publication)

The order is affirmed.

HULL, J.

We Concur: Blease, Acting P.J.

Butz, J.

July 22, 2009

At 9:30 a.m., the court met in the Library and Courts Building to begin its court calendar session. Present were Scotland, Presiding Justice; Blease, Associate Justice; Butz, Associate Justice; and Haskett, bailiff.

C057422 THE PEOPLE v. JAYMIE SKESLIEN

Cause called. Syda Kosofsky, court appointed counsel, argued for appellant. Janet E. Neeley, Deputy Attorney General, argued for respondent. Cause submitted.

At 9:46 a.m., the court recessed. At 9:46 a.m., the court reconvened.

C057260 D.D. v. THE ROMAN CATHOLIC BISHOP OF STOCKTON et al.

Cause called. Vince William Finaldi argued for appellant. Devin Storey argued for amicus. Gary A. Watt argued and Paul N. Balestracci appeared only for respondents. Cause submitted.

At 10:17 a.m., the court recessed. At 10:17 a.m., the court reconvened.

C057895 L.A. v. THE ROMAN CATHOLIC BISHOP OF STOCKTON et al.

Cause called. Vince William Finaldi argued for appellant. Devin Storey argued for amicus. Paul E. Gaspari argued and Alison M. Crane appeared only for respondents. Cause submitted.

At 10:36 a.m., the court recessed. At 10:40 a.m., the court reconvened with Scotland, Presiding Justice; Raye, Associate Justice; and Butz, Associate Justice.

Court Minutes

July 22, 2009, Continued

C058302 THE PEOPLE v. SCOTT SPENCER HOLT

Cause called. Zenia Karen Gilg argued for appellant. Jeffrey A. White, Deputy Attorney General, argued for respondent. Cause submitted.

At 11:12 a.m., the court recessed until 9:30 a.m., Friday, July 24, 2009.

C057946 THE PEOPLE v.

JOHN ALFIN PAYNE

(Not For Publication)

The judgment is affirmed.

NICHOLSON, J.

I concur: Cantil-Sakauye, J.

I concur in the result:

Sims, Acting P.J.

C058386 THE PEOPLE v. GEORGE WILSON

(Not For Publication)

The 15 years imposed and then stayed as enhancements for the three prior serious felony convictions... In all other respects the judgment, including the imposition of the same enhancements attached to counts three and four, is affirmed.

CANTIL-SAKUYE. J.

We Concur: Nicholson, Acting P.J.

Raye, J.

C058903 THE PEOPLE v. ANDRE RHODES

(Not For Publication)

The judgment is affirmed, but the trial court is directed to amend the abstract of judgment to reflect the correct statute (Pen. Code, § 12022.5, subd. (a)) for the personal use of a firearm enhancement and to forward a copy of the amended abstract of judgment to the Department of Corrections and Rehabilitation.

ROBIE, J.

I concur: Scotland, P.J.

I concur except as part II of the Discussion in which I concur with the result.

Nicholson, J.

C059585 THE PEOPLE v.

REGINALD LEROY BYRD

(Not For Publication)

The judgment is affirmed.

SCOTLAND, P.J.

We Concur: Sims, J.

Butz, J.

Court Minutes

July 22, 2009, Continued

C059860 THE PEOPLE v.

(Not For Publication)

GEORGE HENRY ABROTT

The appeal is dismissed.

BLEASE, Acting P.J.

We Concur: Robie, J.

Butz. J.

C060149 THE PEOPLE v. ABEL CAZARES

(Not For Publication)

Probation condition No. 10 is modified ...

As so modified, the judgment and order of probation is affirmed. The court is directed to amend its records to reflect this modification and to send copies of the appropriate documents to appellant and to the probation department.

SCOTLAND, P.J.

We Concur: Hull, J.

Robie, J.

C061670 THE PEOPLE v.

(Not For Publication)

SUPERIOR COURT OF PLACER COUNTY; DANAE LORA LOBATO

Having complied with the procedural requirements for issuance of a peremptory writ in the first instance, we are authorized to issue the peremptory writ forthwith.

(see Palma v. U.S. Industrial Fasteners, Inc. (1984) 36 Cal. 3d 171.)

Let a peremptory writ of mandate issue directing respondent superior court to vacate its order granting probation to defendant Danae Lobato upon a finding that defendant's offense of possessing a false compartment to store drugs in a nonviolent drug possession offense for purposes of Proposition 36. Respondent shall conduct further proceedings with this opinion, including resentencing defendant.

BLEASE, Acting P.J.

We Concur: Hull, J.

Butz, J.

C056879 CARROLL, INC. v. JCW-CYPRESS HOME GROUP et al.

(Not For Publication)

The trial court's August 24, 2007, "JUDGMENT BY COURT" ordering enforcement of the contractor's judgment against appellants is affirmed. Respondents Ross F. Carroll, Inc., shall recover its costs on appeal. (Cal. Rules of Court, rule 8.278 (a) (1) – (2) .)

SIMS, Acting P.J.

We Concur: Raye, J.

Butz, J.

Court Minutes

July 22, 2009, Continued

C058589 PAYTON v. LEDBETTER-PAYTON

(Not For Publication)

Page 7, item number 12 of the judgment is modified to provide that "Respondent, Tammy Ledbetter shall attend counseling for one year from the date she began counseling following the court's November 5, 2007 order." The judgment is affirmed as modified. Father is awarded his costs on appeal. (Cal. Rules of Court, rule 8.278 (a) (1), (3).)

BLEASE, Acting J.

We Concur: Nicholson, J.

Hull. J.

C059157 EAKER v. CAIN et al.

(Not For Publication)

The judgment is affirmed. Eaker shall recover her costs on appeal.

(Cal. Rules of Court, rule 8.278 (a) (1) & (2) .)

SIMS, Acting P.J.

We Concur: Nicholson, J.

Robie, J.

C059705

In re T.W., JR. et al.; SAN JOAQUIN (Not For Publication) COUNTY HUMAN SERVICES AGENCY v.

T.W., SR.

The judgment (order denying reunification) is affirmed.

BLEASE, Acting P.J.

We Concur: Sims, J.

Nicholson, J.

July 23, 2009

C059419 THE PEOPLE v. JOHNNY MACK COTTON

(Not For Publication)

The judgment is modified to provide for 779 days of actual time custody credit. (Pen. Code, § 2900.5.) The trial court is directed to prepare an amended abstract of judgment reflecting the custody credit and accurately reflecting the two-year sentence imposed and stayed on count two for robbery, and forward a certified copy to the Department of Corrections and Rehabilitation.

HULL, J.

We Concur: Sims, Acting P.J.

Butz, J.

Court Minutes

July 24, 2009

At 9:29 a.m., the court met in the Library and Courts Building to begin its court calendar session. Present were Blease, Associate Justice; Raye Associate Justice; Cantil-Sakauye, Associate Justice; and Harper, bailiff.

C056936 PODSIALDO v. WESTERN INSURANCE COMPANY et al.

Cause called. Lawrence N. Hensley argued for appellant. Peter M Rehon argued for respondent Bridge Bank. Michael McLaughlin argued and Kurt C. Faux appeared only for respondent Western Insurance Company et al. Cause submitted.

At 10:00 a.m., the court recessed. At 10:02 a.m., the court reconvened with Raye, Associate Justice; Butz, Associate Justice; and Cantil-Sakauye, Associate Justice.

C058939 In re R.D.; THE PEOPLE v. R.D.

Cause called. Randall Conner, court appointed counsel, argued for appellant. Craig S. Meyers, Deputy Attorney General, argued for respondent. Cause submitted.

At 10:30 a.m., the court recessed until 9:30 a.m., Monday, July 27, 2009.